

AMENDED IN SENATE MAY 3, 2006

SENATE BILL

No. 1592

Introduced by Senator Romero

February 24, 2006

~~An act to amend Section 60851 of, and to add Sections 60851.1, 60852.7, and 78402 to, the Education Code, relating to pupils.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1592, as amended, Romero. ~~Schools~~ *Pupils*: high school exit examination.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Existing law requires, commencing with the 2003–04 school year and each school year thereafter, each pupil completing grade 12 to successfully pass the *high school* exit examination as a condition of *receiving a diploma of graduation or a condition of graduation* from high school.

This bill would require the Superintendent of Public Instruction, by June 30, 2006, to report to the Legislature and the Governor on the number and percentage of pupils who failed to receive a diploma of graduation from high school in 2006 due to the failure of those pupils to pass the high school exit examination, aggregated by ethnicity, English learner status, and other information as may be determined to be necessary to understanding the meaning and consequences of the failure to pass the high school exit examination.

~~This bill would instead require each pupil completing grade 12 to successfully pass the exit examination as a condition of receiving a diploma with an insignia affixed to it indicating successful passage of~~

the high school exit examination. The bill would prohibit a pupil who does not pass the high school exit examination from receiving the insignia described above.

The bill would require the Superintendent of Public Instruction to report whether each high school ranked in deciles 1 to 3, inclusive, of the Academic Performance Index and identified for review by a county superintendent of schools provides for all pupils specified resources necessary for successfully passing the high school exit examination. This bill would require the Superintendent of Public Instruction, by September 1 of each year, to prepare and submit a report to the Legislature that identifies the high schools that do not provide those resources, including the resources each high school is not providing.

The bill would require the Superintendent, by January 31, 2007, to amend, and the State Board of Education to approve, the scope of work of the independent evaluator, to perform specified duties with existing funding, including, but not limited to, identifying programs, services, and resources provided with respect to the high school exit examination, and preparing a specified report. The bill would provide that implementation of these provisions is subject to appropriation by the Legislature in the annual Budget Act or in another statute for the work of the independent evaluator, and that if state funding is not available for implementation of these provisions, these provisions may be implemented with the use of private funding that is sufficient to pay the costs of implementation.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law declares that the high school diploma program is the responsibility of high school and unified school districts, but that courses leading to a high school diploma may be offered by a community college district pursuant to a mutual agreement. Existing law requires the governing board of any community college district maintaining an adult school to prescribe the requirements for the granting of diplomas.

This bill would authorize the board of governors to designate, and thereby authorize, specific community colleges to grant to a pupil a

~~diploma, as defined, that is not subject to any requirement that the pupil successfully pass the California High School Exit Examination. The bill would require the board of governors to designate these community colleges, distributed in a geographically diverse manner, as it determines to be necessary to meet the needs of potential pupils.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) Numerous studies have determined and the California
4 Commission on Teacher Credentialing has found that a quality
5 teacher is the single most important element affecting pupil
6 achievement.
7 (b) Far too many pupils in California who are failing the high
8 school exit examination are being taught by underprepared
9 teachers who have not been fully trained in their subject matter or
10 in how to teach their subject matter, or both, including how to
11 teach to California's rigorous content standards in English and
12 Math or are teaching English Learners without the necessary
13 training, or both.
14 (c) According to the report titled "The Status of the Teaching
15 Profession 2005," prepared by The Center for the Future of
16 Teaching and Learning (CFTL):
17 (1) In the 2004–05 school year, there were 20,399 teachers in
18 California that were underprepared and teaching without the
19 state's preliminary credential. Of those 20,399 teachers,
20 approximately 10,000 were interns who have passed subject
21 matter tests but did not complete other requirements to become a
22 teacher and approximately 10,000 were teachers with an
23 emergency permit, pre-interns, or teachers with waivers who did
24 not meet the "highly qualified" provisions of No Child Left
25 Behind Act (NCLB).
26 (2) Underprepared teachers are not equally distributed
27 throughout California school districts. In 2004–05, 1 out of every
28 5 teachers in the lowest achieving schools were underprepared or
29 novice, or both, compared to only 1 in 10 in the highest
30 achieving schools.

(3) During the course of a pupil's academic career, he or she is likely to face more than one underprepared or novice, or both, teacher and possibly a succession of them in back-to-back years, and during the course of a pupil's attendance at a secondary school he or she may face more than one underprepared or novice, or both, teacher in the course of a single day.

(4) Pupils who are having the most difficulty passing the California High School Exit Examination (CAHSEE) are the pupils most likely to have teachers that are the least prepared to help them.

(5) Although most schools have relatively few out-of-field teachers, the number of pupils affected across the state is significant. In 2004–05, 12 percent of high school teachers (approximately 1,400) are assigned to teach math without a math credential, affecting approximately ninety-one thousand (91,000) or 6 percent of all high school pupils taking math. In English language arts, 15 percent of teachers (approximately 2,500) are assigned to teach English without an English language arts credential, affecting a total of one hundred forty-nine thousand (149,000) or 8 percent of all high school pupils enrolled in English courses.

(6) Nearly one in four teachers is underprepared or novice in the subjects covered by the CAHSEE.

(7) In 2004–05, 26 percent of teachers in the high schools with the lowest passing rates on the math section of the CAHSEE were underprepared or novice, or both, teachers compared with 14 percent of teachers in high schools with the highest passing rates.

(8) In 2004–05, 25 percent of teachers in the high schools with the lowest passing rates on the English language arts section of the CAHSEE were underprepared or novice, or both, teachers compared with 14 percent of teachers in high schools with the highest passing rates.

(9) Schools that serve the highest proportion of poor and minority pupils and English learners have four times as many underprepared math teachers as a school with a low number of minority pupils.

(d) According to the report titled "The Williams v. California Settlement: The First Year of Implementation," prepared by Counsel for the Williams Plaintiffs, as a result of the settlement

1 in Williams et al. v. State of California, et al. (County of San
2 Francisco Superior Court, Case Number 312236), at least 32,163
3 classes were identified in which 20 percent or more of the pupils
4 were English learners and teachers did not receive the
5 appropriate training to teach English learners. Partial reports
6 confirm that at least 1,142 of the misassignments were corrected
7 last year.

8 (e) According to the report titled “California’s Hidden Teacher
9 Spending Gap: How State and District Budgeting Practices
10 Shortchange Poor and Minority Students and their Schools,”
11 prepared by The Education Trust-West:

12 (1) There are dramatic spending gaps in teacher salaries within
13 districts resulting in more highly paid teachers, therefore, more
14 experienced and highly credentialed teachers, being concentrated
15 in more affluent schools and schools with a higher percentage of
16 white pupils.

17 (2) Pupils of color and pupils from low-income families
18 receive, at a disproportionately higher rate, instruction from
19 underqualified teachers who have not been trained to teach the
20 state’s content standards.

21 (f) According to the Human Resources Research Organization
22 (HumRRO), the number of pupils who are at risk of failing the
23 California High School Exit Examination (CAHSEE) is likely
24 between 50,000 and 90,000 pupils.

25 (g) According to the report titled “California’s Teaching Force
26 2004: Key Issues and Trends,” prepared by CFTL, in 2003–04, in
27 schools where over 30 percent of pupils failed the mathematics
28 portion of the CAHSEE, the average percentage of
29 underprepared teachers is 22 percent. By comparison, in schools
30 where only 9 percent of pupils failed the mathematics portion,
31 the average percentage of underprepared teachers is only 7
32 percent.

33 (h) The State’s independent evaluator of the CAHSEE found
34 that teacher qualification is directly related to pupil performance
35 on the CAHSEE and over half of schools reported math teachers
36 with emergency credentials, and one third of schools reported
37 English/Language Arts teachers with emergency credentials.
38 (HumRRO)

39 (i) California has recently acknowledged in the settlement of
40 Williams et al. v. State of California, et al. (County of San

1 Francisco Superior Court, Case Number 312236), that the
2 established minimum threshold of a qualified teacher for every
3 pupil is intended by the Legislature and the Governor to be a
4 floor, rather than a ceiling, and a beginning, not an end, to the
5 state's commitment and effort to ensure that all California pupils
6 have access to the basic elements of a quality public education.

7 (j) The Harvard University Civil Rights Project's report titled
8 "Confronting the Graduation Rate Crisis in California" found
9 that California's overall high school graduation rate was 71
10 percent for 2002.

11 (k) This Harvard report found that only 64 percent of all pupils
12 in central city school districts graduate with regular diplomas. In
13 racially segregated school districts, only 65 percent of all pupils
14 graduate, and only 58 percent graduate in socioeconomically
15 segregated school districts.

16 (l) When high numbers of youth leave school ill prepared to
17 contribute to our labor force and to civic life, our economy and
18 our democracy suffer. The Harvard report found that the 66,657
19 pupils who were reported as dropouts from the California public
20 schools in 2002–03 will cost the state \$14 billion in lost wages.

21 (m) A report by the University of California All Campus
22 Consortium on Research for Diversity (UC/ACCORD) found
23 that in the state's largest school district, Los Angeles Unified
24 School District, fewer than half of the African American and
25 Latino pupils who start grade 9 complete grade 12 four years
26 later.

27 (n) The most critical factor in pupil achievement is a qualified
28 teacher. A recent report by Education Trust-West, titled
29 "California's Hidden Teacher Spending Gap," reported dramatic
30 spending gaps in teacher salaries within districts, with more
31 highly paid teachers and, therefore, more experienced and highly
32 credentialed teachers, concentrated in more affluent and white
33 schools. Pupils of color and pupils from low-income families
34 receive, at a disproportionately higher rate, instruction from
35 underqualified teachers who have not been trained to teach the
36 state's content standards.

37 (o) A 2004 report by the Center for the Future of Teaching and
38 Learning, titled "California's Teaching Force 2004: Key Issues
39 and Trends," reported that in 2003–04, slightly more than 28,000
40 teachers — or about one in every 11 California teachers — were

1 underprepared and teaching without benefit of having met the
2 state's minimum qualifications, and without training to teach to
3 the state's content standards. There are far more of these
4 underprepared teachers in schools that have high failure rates on
5 the high school exit examination. In schools where over 30
6 percent of pupils failed the mathematics portion of the exit
7 examination the average percentage of underprepared teachers is
8 22 percent. By comparison, in schools where only 9 percent of
9 pupils failed the mathematics portion, the average percentage of
10 underprepared teachers is only 7 percent.

11 (p) California has recently acknowledged in the settlement of
12 Williams v. State of California, that the established minimum
13 thresholds for teacher quality, instructional materials, and school
14 facilities are intended by the Legislature and the Governor to be
15 a floor, rather than a ceiling, and a beginning, not an end, to the
16 state's commitment and effort to ensure that all California pupils
17 have access to the basic elements of a quality public education.

18 (q) California ranks last in the nation in the ratio of pupils to
19 counselors at 954:1. School counselors serve a vital role in
20 promoting pupil achievement and serving as pupil advocates who
21 focus on the relationships and interactions between pupils and
22 their school environment, with the expressed purpose of reducing
23 the effect of environmental and institutional barriers that impede
24 academic success.

25 (r) It is essential that California provide the minimum
26 resources for all pupils to learn the skills and material that they
27 need to learn in order to pass the high school exit examination.

28 (s) It is essential that California provide the minimum
29 opportunities for all pupils to learn the skills and material that
30 they need to learn in order to pass the California High School
31 Exit Examination.

32 (t) It is, therefore, the intent of the Legislature that efforts to
33 recruit and retain highly qualified teachers shall be prioritized by
34 allocating those teachers to high schools which are identified by
35 the Superintendent as having a 25 percent or greater number of
36 underprepared teachers.

37 *SEC. 2. By June 30, 2006, the Superintendent of Public*
38 *Instruction shall report to the Legislature and the Governor on*
39 *the number and percentage of pupils who failed to receive a*
40 *diploma of graduation from high school in 2006 due to the*

1 *failure of those pupils to pass the high school exit examination*
2 *required by Section 60851 of the Education Code, aggregated by*
3 *ethnicity, English learner status as defined by subdivision (a) of*
4 *Section 306 of the Education Code, and other information as may*
5 *be determined to be necessary to understanding the meaning and*
6 *consequences of the failure to pass the high school exit*
7 *examination.*

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10 **All matter omitted in this version of the bill**
11 **appears in the bill as introduced in**
12 **Senate, February 24, 2006 (JR11)**
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